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II

ADJOURNMENT MOTION ON THE CONSTRUCTION OF A TUBERCULOSIS HOSPITAL ON THE SPUR TANK SITE.

Dr. B. S. MALLAYYA :—" Sir, under S.O. No. 20, I beg to move the adjournment of the business of the House to discuss a matter of urgent public importance, namely, the recent collection of building materials by the Government on the bed of the Spur Tank for the construction of a tuberculosis hospital in spite of the protests of the public of the locality and the Corporation of Madras and in spite of the requests of the Corporation of Madras and the South Indian Railway Company for a slice of land for siding purposes."

* The hon. the PRESIDENT :—" I find that this site was selected before 1925 and that there was a vote of this House in 1925, regarding the scheme. And I also find that the printed Civil Budget Estimates for 1928–29 mention that the Government Order regarding the construction of the tuberculosis hospital on the Spur Tank site was passed in February 1928. So, how is it a matter of recent occurrence ?"

Dr. B. S. MALLAYYA :—" The proposal has been there to construct a hospital, but the site was not selected."

* The hon. the PRESIDENT :—" Why should you say it is a *proposal* ? The Government Order says that the hospital is to be constructed on the Spur Tank site."

Dr. B. S. MALLAYYA :—" On the Spur Tank bed. There were various proposals for that; first it was to be on the Marina and then various other places were suggested, and there has been a constant discussion on the subject."

* The hon. the PRESIDENT :—" This is what I find : 'North Presidency—Construction of a Tuberculosis hospital on the Spur Tank site—G.O. No. 521 W., dated 21st February 1928' " (Civil Works Budget, 1928–29).

Dr. B. S. MALLAYYA :—" The urgency comes owing to the collection of the materials."

* The hon. the PRESIDENT :—" Not at all; the motion is not at all in order."

ADJOURNMENT MOTION *RE* PERSECUTION OF CONGRESS WORKERS IN VELLORE TALUK, NORTH ARCOT DISTRICT.

* Mr. T. ADINARAYANA CHETTIYAR :—" Sir, under S.O. No. 20, I beg permission to move the adjournment of the business of the House to discuss a matter of urgent public importance, namely, to draw the attention of Government to the recent conduct of the Police in the North Arcot district in persecuting Congress workers in the taluk of Vellore, North Arcot district."

* The hon. the PRESIDENT :—" I wish to know when the Police began the persecution ?"

* Mr. T. ADINARAYANA CHETTIYAR :—" For the past some weeks this has been going on and case after case is being put up taking advantage of the fact that the Congress workers are under a vow not to defend themselves."

* The hon. the PRESIDENT :—" I want to know when the prosecutions were launched by the Police ?"

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Mr. T. ADINARAYANA CHETTIYAR :—" Within the last few weeks, and they are still going on."

* The hon. the PRESIDENT :—" Has the Government anything to say ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" What my Friend wants is to draw the attention of the Government to the recent conduct of the police, etc. I do not know whether these cases are still pending before the District Magistrate. If they are, then they fall under one of these objections, namely, matters which are pending in Courts cannot be discussed. My Friend may be in a position to say whether these cases are pending or not before the District Magistrate."

* The hon. the PRESIDENT :—" I don't think Mr. Adinarayana Chettiyar proposes to go into the merits of the question whether these prosecutions are justified or not. According to him, the Police are persecuting certain section of the public in the Vellore taluk and he wants to draw attention to their conduct."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Even granting that it is so, there is reference to prosecutions ; the prosecutions must be pending or not pending ; if they are pending we cannot discuss them. That is my point."

* The hon. the PRESIDENT :—" The language used is ' persecuting Congress workers '."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" This persecution is evident from certain cases which I am told are pending in the District Magistrate's Court. I want to know whether there is any reference under this persecution to those prosecutions. Otherwise, where is the question of persecution ? I don't know what my Friend means."

* Mr. T. ADINARAYANA CHETTIYAR :—" I would take good care, being also a lawyer myself, not to embarrass the hon. the Law Member or anybody else, by referring to cases which are pending. I shall certainly refer, with the permission of the President, to the cases of those people who have been shut up in jail. I am not afraid of prosecution, but I am afraid of persecution of people going about on their business and harassing the general public not to harbour them but to hunt them out of villages. I need not say anything more at this stage. I am not going to anticipate the debate."

11-45 a.m. The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, one of the rules relating to motions for adjournment says that you must be satisfied that the motion is in order. Of course it is left entirely to you to say whether the motion is in order. But I submit that it is only with your consent that the motion can be moved. My submission to you is this : that you must be satisfied whether the motion refers to any specific matter. For my part I am absolutely in doubt. I do not think that the Government will be able to make any reply about the persecution by the police of the Congress workers."

Mr. S. SATYAMURTI :—" Is the hon. the Law Member entitled to anticipate your opinion in the matter ? "

* The hon. the PRESIDENT :—" I am not able to understand the point of the hon. the Law Member."

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" What the motion says is this: 'to draw the attention of the Government to the recent conduct of the police in persecuting Congress workers'. The matter that my hon. Friend on the other side wishes to be discussed in this House is the recent conduct of the police in persecuting Congress workers. The Government must be in a position and for that matter, you also must be in a position to understand what is meant by this motion. This is too vague. In what way the Congress workers were persecuted the motion does not say. Unless there is something definite, how can any matter be discussed ?"

* The hon. the PRESIDENT :—" There are certain Congress workers in the taluk of Vellore and they are being persecuted by the police according to the allegation of the hon. Member on the other side and he wants a discussion on that matter. The attitude of the police towards a certain section is said to be one of persecution. He wants to convince the House that there is that conduct on the part of the police in that area. I have to decide whether the motion is in order or not. I am not able to find out which of the rules regarding adjournment motions this motion violates. If Government throw some more light on the point, I shall be glad."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Under rule 12 there are certain matters which are expressly prohibited. Then under rules 11 and 22 (2) it is stated that a motion can be made only with your consent."

* The hon. the PRESIDENT :—" I have already given my consent. Here it is a question of point of order."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Under Standing Order 22, you must be satisfied that the motion is in order."

* The hon. the PRESIDENT :—" Yes, we are now at that stage."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" My submission to you is that the matter to be discussed under this motion is the conduct of the police in persecuting the Congress workers and my Friend on the other side says that he has no intention of referring to any cases at all launched by the police against the Congress workers."

* The hon. the PRESIDENT :—" That matter is *sub judice*."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" You must be satisfied that there is some definite matter to be discussed."

* The hon. the PRESIDENT :—" The definite matter is that the Congress workers should not be harassed."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I want to know how any discussion can take place on that matter, and whether it is possible to have a discussion on that matter."

* The hon. the PRESIDENT :—" What particular shape the discussion will take is not my concern. I have only to see whether the matter to be discussed is in order. The discussion is more intended to convince the House."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Unless there is a possibility of discussion, you will not be satisfied that the motion is in order."

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* The hon. the PRESIDENT :—" I have to see whether the motion is in order or not. The merits of the motion are not a consideration in determining this question.

" The point raised by the hon. the Law Member is that the President should take into consideration the scope and merits of the motion in holding whether the motion is in order or not. I believe that cannot be one of the elements that has to be taken into consideration in holding whether a particular motion is in order or not. Since no other point has been raised and no other point has occurred to me which can enable me to hold that it is out of order, I am afraid I have to overrule the point raised by the hon. the Law Member and rule that the motion is in order. I wish to know whether the hon. Member has the leave of the House."

Hon. MEMBERS :—" Yes, yes."

* The hon. the PRESIDENT :—" Since no hon. Member has objected, I rule that the motion is in order and I appoint 2-30 p.m. to-day as the time for the discussion of this motion."

III

AMENDMENTS TO STANDING ORDERS.

* The hon. the PRESIDENT :—" I have to inform the House that the following six gentlemen were nominated for election to the select committee to consider the amendments to Standing Orders—

(1) Mr. J. A. Saldanha.
(2) „ P. C. Venkatapati Raju.
(3) „ C. Ramasomayajulu.
(4) „ Abdul Hameed Khan.
(5) „ V. I. Muniswami Pillai.
(6) „ C. Marudavanam Pillai.

" As the number of candidates nominated is equal to the number of vacancies to be filled, namely, six, I hereby declare the above-mentioned gentlemen to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote.

" Under Standing Order 77 the Deputy President and the Advocate-General are ex-officio members of the select committee and I have to nominate a Chairman of the Council to serve on the Committee. I hereby nominate Mr. T. C. Srinivasa Ayyangar as a Member of the Committee. The Committee meets to-day after the Council adjourns."

IV

THE ANDHRA UNIVERSITY ACT (AMENDMENT) BILLS.

* The hon. the PRESIDENT :—" The Council will now resume discussion of the amendment of the hon. the Chief Minister to substitute the word 'Vizagapatam' for 'Anantapur' in clause 2 of the Bill of Mr. Kesava Pillai."

Mr. G. HARISARVOTTAMA RAO :—" It is an unfortunate position to occupy for any member of this House that he should be obliged to stand in defence of two recognized bodies, the Senate of the Andhra University and the select committee of this Council itself. The machine of the Government has moved